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FILED
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Montana Water Court
STATE OF MONTANA
By: Julie Cristiani
43B-0681-R-2022
Lambert, Kathryn
13.00

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: PMD Ranch LLC

OBJECTORS: PMD Ranch LLC

CASE 43B-0681-R-2022

43B 192673-00	43B 192683-00
43B 192675-00	43B 192691-00
43B 192676-00	43B 192701-00
43B 192677-00	43B 192702-00
43B 192678-00	43B 192703-00
43B 192679-00	43B 192704-00
43B 192680-00	43B 192705-00
43B 192681-00	43B 192706-00
43B 192682-00	43B 192707-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

PMD Ranch LLC objected to each claim. Some of the claims have issue remarks which need to be addressed and resolved. On October 11, 2022 the claimant filed its response addressing and resolving its objections and the issue remarks. On February 24, 2023 the claimant filed a Consent To Clarification Of Claims, a Motion To Amend And Clarify The Source Of Claim No. 43B 192691-00, and a Motion To Amend And Clarify The Source Of Claim No. 43B 192705-00 And Claim No. 43B 192706-00. These are motions to amend filed pursuant to section 85-2-233(6), MCA. The May 12, 2023 Order Consolidating Claims Into Case and Order Setting Filing Deadline included DRAFT abstract copies, some observations about consistency, and set a deadline for filing additional motions to amend or additional information if the claimant so chose. Nothing was filed. A copy of Exhibit B from the October 11, 2022 response is attached as it is extremely helpful for understanding the claims and the changes recommended in this Report. The settlement documents are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

"Reservoir" means a storage facility, created or augmented by manmade means that *impounds and stores water* for beneficial use. Rule 2(a)(59), W.R.C.E.R. (*Emphasis added.*)

Rule 10, W.R.C.E.R., includes the following:

Rule 10(a). Identifying reservoirs. When *stored water is claimed*, the legal land description of the impoundment structure, onstream and offstream designation, and the period of diversion will be identified. When available, the following reservoir data will be included:

- (1) dam height;
- (2) surface area;
- (3) reservoir depth;
- (4) maximum reservoir storage capacity; and
- (5) reservoir name.

(*Emphasis added.*)

The Montana Water Court has jurisdiction to review a motion to amend pursuant to

section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the “same set of operative facts as contained in the original pleading.” *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423 (1985). The requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

Notice must be published by newspaper if the requested amendments “may adversely affect other water rights.” Section 85-2-233(6)(a)(i), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to or amending their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. The following excerpts from pages 2 and 3 of the October 11, 2022 Response provide background information concerning this unique set of claims located north of Yellowstone National Park:

The water rights at issue are all related to historic development of the headwater springs of Nelson’s Spring Creek for direct flow irrigation and for protection of instream flows for fish and wildlife. Nelson’s Spring Creek is a unique resource that flows parallel to the Yellowstone River for approximately 1.5 miles in the E1/2 of Section 26 and the E1/2SW1/4 and the SW1/4SW1/4SE1/4 of section 23, all in T3S, R9E, MPM. See Exhibit A (Location Map). Despite its short distance, the springs giving rise to Nelson’s Spring Creek are prolific, with an average annual flow of approximately 45 cfs and a mean year-round temperature of 51° that is ideal for trout and that provides open-water, ice-free habitat all year for waterfowl and other species.

* * * *

The Claim Files for the water rights at issue in this case all include detailed evidence of dams and dikes in the channel of Nelson’s Spring Creek which were developed to enable efficient utilization from the constant, year-round flow of the springs for diversion into headgates for direct flow irrigation.

The dams also incidentally raised the water level in two areas on Nelson’s Spring Creek and created onstream ponds or “reservoirs” that provide very high-quality fish and wildlife habitat (the Little Springs Reservoir and the Blue Springs Reservoir). . . . Because of the constant flow of water from the springs, however, these onstream “reservoirs” are not storage reservoirs. The springs in Nelson’s Spring Creek flow all day, every day, through out the year with little variation in flow and none in temperature; there is no need for storage just diversion for all the claimed uses. In fact, the flow of the springs is so constant that any attempt to store the water in onstream reservoirs would be futile since the dams and dikes would be overtopped very quickly. So, calculating and claiming storage volume behind dams and diversions, as DNRC has done in most of its Water Right Abstracts documenting PMD Ranch’s water rights, is irrelevant to these claims of direct flow irrigation and uses of water by fish and wildlife.

2. Although many of these claims include a reservoir or reservoirs, none of these reservoirs are for storage. They are control and distribution tools. Reservoir data – dam height, surface area, reservoir depth, and maximum reservoir storage capacity – are not relevant for these particular reservoirs and should not be included in the point of diversion descriptions on the abstract for these claims.

3. For irrigation claim 43B 192673-00, the Preliminary Decree describes the point of diversion and means of diversion as follows:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

Ditch Name: SPRING CREEK DITCH

Reservoir: OFFSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
					PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 15.00 FEET

Surface Area: 2.30 ACRES

Capacity: 13.80 ACRE-FEET

For irrigation claims 43B 192675-00, 43B 192676-00, 43B 192677-00, 43B 192678-00, 43B 192679-00, 43B 192680-00, 43B 192681-00, and 43B 192683-00, the Preliminary Decree describes the point of diversion and means of diversion as follows:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

Ditch Name: SPRING CREEK DITCH

Reservoir: OFFSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
		26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 15.00 FEET

Surface Area: 2.30 ACRES

Capacity: 13.80 ACRE-FEET

For each of these claims, the point of diversion and means of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	SWSE	26	3S	9E	PARK

For each of these claims the following clarification remark should be added to the volume: PRIMARILY A DIRECT FLOW SYSTEM. VOLUME NOT DECREED.

For each of these claims, the following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

4. For irrigation claim 43B 192675-00, the Preliminary Decree included the following issue remark:

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 83.18 TIMES THE CAPACITY OF THE RESERVOIR.

As stated in Finding of Fact 2 above and Conclusion of Law 1 below, although this claim includes a reservoir, reservoir data - including reservoir capacity - is not relevant for this reservoir. The volume issue remark based on the reservoir capacity is not relevant to this claim and should be removed without additional analysis.

5. For irrigation claim 43B 192682-00, the Preliminary Decree describes the point of diversion and means of diversion as follows:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

Reservoir: OFFSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
		26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 15.00 FEET

Surface Area: 2.30 ACRES

Capacity: 13.80 ACRE-FEET

The point of diversion and means of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

SECONDARY 8 NWSWSE 26 3S 9E PARK

Diversion Means: HEADGATE

Ditch Name: OUTLAW DITCH

Reservoir: ONSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	SWSE	26	3S	9E	PARK

The following clarification remark should be added to the volume: PRIMARILY A DIRECT FLOW SYSTEM. VOLUME NOT DECREED.

The following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

6. The Preliminary Decree also included notice remarks on some of these irrigation claims as follows:

43B 192675-00, 43B 192676-00, and 43B 192680-00

POINT OF DIVERSION, MEANS OF DIVERSION AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

43B 192677-00, 43B 192678-00, 43B 192679-00, 43B 192681-00, and
43B 192683-00

POINT OF DIVERSION, MEANS OF DIVERSION, DITCH NAME AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

43B 192682-00

POINT OF DIVERSION, MEANS OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

These remarks should all be removed as having served their notice purposes.

7. For irrigation claim 43B 192691-00, the source name change requested in the Motion to Amend arises out of the same conduct, transaction, or occurrence specified on the original Statement of Claim, is based on the same operative facts specified in the original Statement of Claim, and merely makes more specific that which was already claimed on the original Statement of Claim.

8. For claim 43B 192691-00, the following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

9. For fish and wildlife claim 43B 192701-00, the Preliminary Decree includes the following issue remarks:

PURSUANT TO WATER COURT ORDER, IF NO OBJECTIONS TO THIS CLAIM ARE FILED, THE CLAIMED FLOW RATE OF 1025 MINERS INCHES AND VOLUME OF 10,301.25 ACRE FEET/ YEAR WILL BE REINSTATED.

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 746 TIMES THE CAPACITY OF THE RESERVOIR.

The Preliminary Decree is blank at the flow rate and volume entries. The flow rate should be 25.63 CFS (equivalent to 1025.00 miner's inches). The volume should be 10,301.25 AC-FT. The flow rate and volume issue remark should be removed as addressed and resolved.

As stated in Finding of Fact 2 above and Conclusion of Law 1 below, although this claim includes a reservoir, reservoir data - including reservoir capacity - is not relevant for this reservoir. The volume issue remark based on the reservoir capacity is not relevant to this claim and should be removed without additional analysis.

The Preliminary Decree states the source is SPRING CREEK. The source should be UNNAMED TRIBUTARY OF YELLOWSTONE RIVER. The following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

The Preliminary Decree describes the point of diversion, means of diversion, and period of diversion as follows:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8		26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

7		26	3S	9E	PARK
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Period of Diversion: OCTOBER 5 TO APRIL 20

Diversion Means: DAM

Reservoir: ONSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
		26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 15.00 FEET

Surface Area: 2.30 ACRES

Capacity: 13.80 ACRE-FEET

Reservoir: ONSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
		26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 15.00 FEET

Surface Area: 2.30 ACRES

Capacity: 13.80 ACRE-FEET

The point of diversion and means of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

SECONDARY	7		26	3S	9E	PARK
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Period of Diversion: OCTOBER 5 TO APRIL 20

Diversion Means: INSTREAM

Diversion Means: INSTREAM

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	SWSE	26	3S	9E	PARK

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

CLAIMED VOLUME EXCEEDS CAPACITY OF RESERVOIR PLUS EVAPORATIVE LOSSES. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED FROM THE CLAIM.

The remark should be removed as having served its notice purpose.

11. For claim 43B 192703-00, the Preliminary Decree includes the following issue remarks:

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.

PURSUANT TO WATER COURT ORDER, IF NO OBJECTIONS TO THIS CLAIM ARE FILED, THE CLAIMED FLOW RATE OF 3023 MINERS INCHES AND VOLUME OF 30,401.25 ACRE FEET/ YEAR WILL BE REINSTATED.

The Preliminary Decree states that the point of diversion, means of diversion, and period of diversion are:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
7		26	3S	9E	PARK

Period of Diversion: OCTOBER 5 TO APRIL 20

Diversion Means: DIKE

SWNE	26	3S	9E	PARK
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Period of Diversion: OCTOBER 5 TO APRIL 20

Diversion Means: DIKE

Reservoir: ONSTREAM

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	SWNE	26	3S	9E	PARK

Reservoir: ONSTREAM

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
		26	3S	9E	PARK

The point of diversion, means of diversion, and period of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	SWNE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DIKE

As the reservoirs have been removed, the reservoir issue remark should be removed as addressed and resolved.

The Preliminary Decree is blank at the flow rate and volume entries. The flow rate should be 75.58 CFS (equivalent to 3023.00 miner's inches). The volume should be 30,401.25 AC-FT. The flow rate and volume issue remark should be removed as addressed and resolved.

The Preliminary Decree states the source is SPRING CREEK. The source should be UNNAMED TRIBUTARY OF YELLOWSTONE RIVER. The following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

The Preliminary Decree states that the period of use is OCTOBER 5 TO APRIL 29. The period of use should be JANUARY 1 TO DECEMBER 31.

The Preliminary Decree also includes the following notice remark:

THE TIMELY FILED OBJECTION OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS WAS AMENDED BY THE CLAIMANT TO INCLUDE POINT OF DIVERSION AND MEANS OF DIVERSION BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

The remark should be removed as having served its notice purpose.

12. For claim 43B 192704-00, the Preliminary Decree includes the following issue remarks:

EXISTENCE OF THE CLAIMED RESERVOIR CANNOT BE CONFIRMED WITH AVAILABLE DATA.

PURSUANT TO WATER COURT ORDER, IF NO OBJECTIONS TO THIS CLAIM ARE FILED, THE CLAIMED FLOW RATE OF 1650 MINERS INCHES AND VOLUME OF 13,530 ACRE FEET/ YEAR WILL BE REINSTATED.

The Preliminary Decree states that the point of diversion and means of diversion are:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWSWNE	26	3S	9E	PARK

Diversion Means: DAM

Reservoir: ONSTREAM

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWSWNE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

The point of diversion and means of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

SECONDARY	SWNE	26	3S	9E	PARK
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Diversion Means: INSTREAM

Reservoir: ONSTREAM

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
	NWSWSE	26	3S	9E	PARK

The reservoir issue remark should be removed as addressed and resolved.

The Preliminary Decree is blank at the flow rate and volume entries. The flow rate should be 41.25 CFS (equivalent to 1650.00 miner's inches). The volume should be 13,530.00 AC-FT. The flow rate and volume issue remark should be removed as addressed and resolved.

The Preliminary Decree states the source is SPRING CREEK. The source should be UNNAMED TRIBUTARY OF YELLOWSTONE RIVER. The following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

The Preliminary Decree also includes the following notice remark:

THE TIMELY FILED OBJECTION OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS WAS AMENDED BY AGREEMENT OF THE PARTIES TO INCLUDE THE POINT OF DIVERSION . BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

This remark should be removed as having served its notice purpose.

13. For claims 43B 194705-00 and 43B 192706-00, the source name changes requested in the Motion to Amend arise out of the same conduct, transaction, or occurrence specified on the original Statements of Claim, are based on the same operative facts specified in the original Statements of Claim, and merely make more specific that which was already claimed on the original Statements of Claim.

14. For claims 43B 194705-00 and 43B 192706-00, the Preliminary Decree states the source is SPRING CREEK. The source should be UNNAMED TRIBUTARY OF YELLOWSTONE RIVER. The following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

15. For claim 43B 192707-00, the Preliminary Decree includes the following issue remark:

THE CLAIMED VOLUME APPEARS TO BE EXCESSIVE FOR THE CLAIMED PURPOSE. THE CLAIMED VOLUME EQUALS 1355 TIMES THE CAPACITY OF THE RESERVOIR.

As stated in Finding of Fact 2 above and Conclusion of Law 1 below, although this claim

includes a reservoir, reservoir data - including reservoir capacity - is not relevant for this reservoir. The volume issue remark based on the reservoir capacity is not relevant to this claim and should be removed without additional analysis.

The Preliminary Decree states that the point of diversion and means of diversion are:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	SWSE	26	3S	9E	PARK

Diversion Means: DAM

Reservoir: ONSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 8.00 FEET

Depth: 15.00 FEET

Surface Area: 2.30 ACRES

Capacity: 13.80 ACRE-FEET

The point of diversion and means of diversion should be:

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	NWSWSE	26	3S	9E	PARK

Diversion Means: DAM

SECONDARY 8 26 3S 9E PARK

Diversion Means: INSTREAM

Reservoir: ONSTREAM Reservoir Name: LITTLE SPRINGS RESERVOIR

<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
8	SWSE	26	3S	9E	PARK

The Preliminary Decree states the source is SPRING CREEK. The source should be UNNAMED TRIBUTARY OF YELLOWSTONE RIVER. The following clarification remark should be added to the source: ALSO KNOWN AS NELSON'S SPRING CREEK.

The Preliminary Decree also includes the following notice remarks:

POINT OF DIVERSION AND RESERVOIR RECORD WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

CLAIMED VOLUME EXCEEDS CAPACITY OF RESERVOIR PLUS EVAPORATIVE LOSSES. THE CLAIMED VOLUME CAN BE CONTESTED BY PROPER OBJECTION. IF NO OBJECTIONS ARE FILED TO THIS CLAIM THE VOLUME WILL BE DECREED AS CLAIMED, AND THIS REMARK WILL BE REMOVED

FROM THE CLAIM.

These remarks should be removed as having served their notice purposes.

CONCLUSIONS OF LAW

1. Although many of these claims include a reservoir or reservoirs, none of these reservoirs are for storage. They are control and distribution tools. Reservoir data – dam height, surface area, reservoir depth, and maximum reservoir storage capacity – are not relevant for these particular reservoirs and should not be included in the point of diversion descriptions on the abstract for these claims.

2. The requested source name amendments do not adversely affect other water rights as they do not make any changes to the actual historical use of the claimed rights on the ground. Notice by publication of these amendments is not required. Section 85-2-233(6), MCA.

3. Each requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

4. The settlement, including the Motions To Amend, are sufficient to contradict and overcome the prima facie claims as they appeared in the Preliminary Decree and sufficient to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3) and (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusions of Law, this Master recommends that the Court grant the Motions To Amend and make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via USPS Mail:

PMD Ranch LLC
c/o Andrew C Dana
115 W Kagy Blvd Suite P
Bozeman, MT 59715-6027

\\JUDHLNSRV-DATA\Share\JUDGALH2OSRV (Datavol)\Share\WC-BASIN FOLDERS\43B PD\43B Cases\681R\681R mr 12-19-22 jbc.docx

EXHIBIT B

PMD Ranch Water Rights Nelsons Spring Creek

Spring Creek
Channel:
43B 192704-00

Original Spring Creek
channel (in pink,
diverted by dam and
dike)

Channel along dike:
43B 192703-00

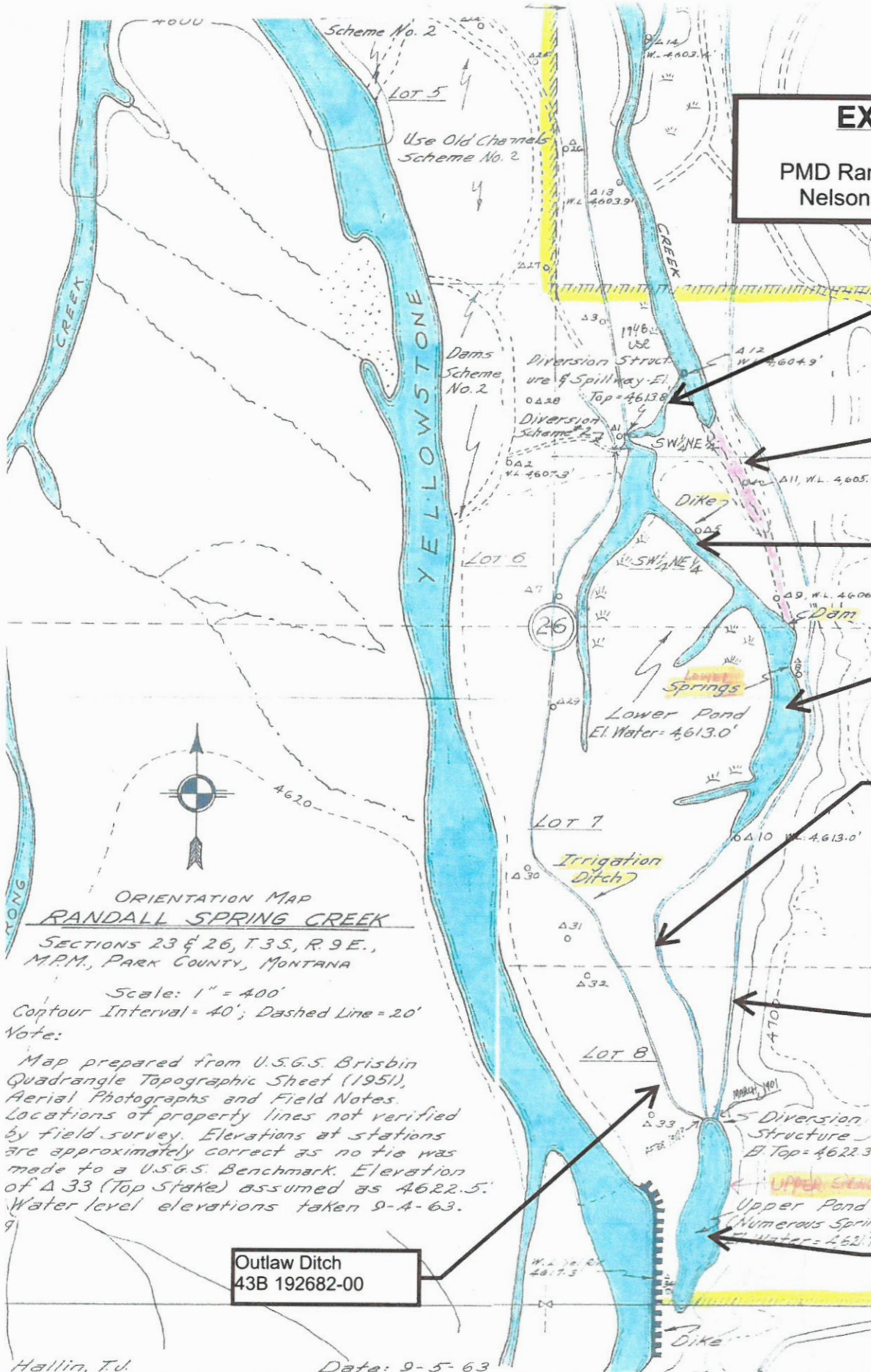
Blue Springs
Reservoir
43B 192702-00

Spring Creek channel
43B 192701-00

Spring Creek Ditch:
43B 192673-00
43B 192675-00
43B 192676-00
43B 192677-00
43B 192678-00
43B 192679-00
43B 192680-00
43B 192681-00
43B 192683-00

Little Springs
Reservoir:
43B 192707-00

Outlaw Ditch
43B 192682-00



POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192673-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 9, 1901

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.63 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192675-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: MAY 15, 1962

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.50 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	1.00	3		12	3S	9E	PARK

3	9.80	1		12	3S	9E	PARK
4	10.40	2		12	3S	9E	PARK
5	28.00		SENW	12	3S	9E	PARK
6	28.60		NESW	12	3S	9E	PARK
7	47.40		S2SW	12	3S	9E	PARK
8	112.20		W2	13	3S	9E	PARK
9	66.30		E2	14	3S	9E	PARK
10	25.00		N2NE	23	3S	9E	PARK
Total:							
	329.80						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192676-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 9, 1901

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.00 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
---------------	---	--------	----	----	----	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192677-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 9, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.75 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192678-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 4, 1891

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
---------------	---	--------	----	----	----	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192679-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 9, 1901

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.00 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192680-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: SEPTEMBER 27, 1919

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192681-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 9, 1901

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.25 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192682-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 1, 1963

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.50 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 27.00

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: OUTLAW DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7.50	6		26	3S	9E	PARK
2	7.50	7		26	3S	9E	PARK

3	4.70	8		26	3S	9E	PARK
4	4.30		NWSWNE	26	3S	9E	PARK
5	3.00		SWSWNE	26	3S	9E	PARK
Total:							
	27.00						

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192683-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: MAY 15, 1962

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 3.50 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
PRIMARILY A DIRECT FLOW SYSTEM; VOLUME NOT DECREED.

Climatic Area: 3 - MODERATE

Maximum Acres: 329.80

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER
ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8	NWSWSE	26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Ditch Name: SPRING CREEK DITCH

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.10	5		11	3S	9E	PARK
2	26.50	4		12	3S	9E	PARK

3	1.00	3		12	3S	9E	PARK
4	9.80	1		12	3S	9E	PARK
5	10.40	2		12	3S	9E	PARK
6	28.00		SENW	12	3S	9E	PARK
7	28.60		NESW	12	3S	9E	PARK
8	20.90		SESW	12	3S	9E	PARK
9	6.80		NWNENW	13	3S	9E	PARK
10	7.00		SWNENW	13	3S	9E	PARK
11	40.00		NWNW	13	3S	9E	PARK
12	5.80		NWSENW	13	3S	9E	PARK
13	3.40		SWSENW	13	3S	9E	PARK
14	40.00		SWNW	13	3S	9E	PARK
15	4.20		NENWSW	13	3S	9E	PARK
16	5.00		NWNWSW	13	3S	9E	PARK
17	2.50	6		14	3S	9E	PARK
18	8.50	9		14	3S	9E	PARK
19	4.50	1		14	3S	9E	PARK
20	13.30		SENE	14	3S	9E	PARK
21	26.00		NESE	14	3S	9E	PARK
22	4.00		NWSESE	14	3S	9E	PARK
23	7.50		SWSESE	14	3S	9E	PARK
24	19.80		NENE	23	3S	9E	PARK
25	4.20		NENWNE	23	3S	9E	PARK
26	1.00		SEWNNE	23	3S	9E	PARK
Total:							329.80

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192673-00	192675-00	192676-00	192677-00	192678-00	192679-00
192680-00	192681-00	192683-00	192688-00		

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192691-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: JANUARY 27, 1948

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 8.75 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 175.60

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** BLUE SPRING RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWSWNE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Dam Height: 12.00 FEET

Depth: 16.00 FEET

Surface Area: 5.00 ACRES

Capacity: 32.00 ACRE-FEET

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	30.30	9		14	3S	9E	PARK
2	1.00	6		14	3S	9E	PARK
3	24.50	7		23	3S	9E	PARK

4	26.00	5		23	3S	9E	PARK
5	16.00	4		23	3S	9E	PARK
6	19.10	6		23	3S	9E	PARK
7	37.00		NWNE	23	3S	9E	PARK
8	2.50		NWSWNE	23	3S	9E	PARK
9	4.00		SWSWNE	23	3S	9E	PARK
10	6.90	5		26	3S	9E	PARK
11	8.30		NWNE	26	3S	9E	PARK
Total:							
	175.60						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

192690-00

192691-00

192692-00

192693-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192701-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: OCTOBER 1, 1969

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Flow Rate: 25.63 CFS

Volume: 10,301.25 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	7		26	3S	9E	PARK
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Period of Diversion: OCTOBER 5 TO APRIL 20

Diversion Means: INSTREAM

3 - SECONDARY	8		26	3S	9E	PARK
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Period of Diversion: OCTOBER 5 TO APRIL 20

Diversion Means: INSTREAM

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: OCTOBER 5 TO APRIL 20

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		8		26	3S	9E	PARK
2		7		26	3S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192702-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 15, 1898

Type of Historical Right: FILED

Purpose (use): FISH AND WILDLIFE

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 16,400.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWNE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Reservoir: ONSTREAM **Reservoir Name:** BLUE SPRING RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESWNE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		7		26	3S	9E	PARK
2			SWNE	26	3S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192703-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: OCTOBER 1, 1969

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Flow Rate: 75.58 CFS

Volume: 30,401.25 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	26	3S	9E	PARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	DIKE					
Period of Use:	JANUARY 1 TO DECEMBER 31					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNE	26	3S	9E	PARK
2		7		26	3S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192704-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: OCTOBER 1, 1969

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Flow Rate: 41.25 CFS

Volume: 13,530.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	26	3S	9E	PARK

Period of Diversion: APRIL 25 TO OCTOBER 5

Diversion Means: DAM

2 - SECONDARY		SWNE	26	3S	9E	PARK
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Period of Diversion: APRIL 25 TO OCTOBER 5

Diversion Means: INSTREAM

Reservoir: ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
		NWSWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: APRIL 25 TO OCTOBER 5

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNE	26	3S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192705-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: OCTOBER 1, 1969

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Flow Rate: 78.12 CFS

Volume: 31,406.25 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4		23	3S	9E	PARK
Period of Diversion:	OCTOBER 5 TO APRIL 20					
Diversion Means:	INSTREAM					
2	5		23	3S	9E	PARK
Period of Diversion:	OCTOBER 5 TO APRIL 20					
Diversion Means:	INSTREAM					
Period of Use:	OCTOBER 5 TO APRIL 20					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		4		23	3S	9E	PARK
2		5		23	3S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192706-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: OCTOBER 1, 1969

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Flow Rate: 43.75 CFS

Volume: 14,350.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

***Source Name:** UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4		23	3S	9E	PARK
Period of Diversion:	APRIL 25 TO OCTOBER 5					
Diversion Means:	INSTREAM					
2	5		23	3S	9E	PARK
Period of Diversion:	APRIL 25 TO OCTOBER 5					
Diversion Means:	INSTREAM					
Period of Use:	APRIL 25 TO OCTOBER 5					

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		4		23	3S	9E	PARK
2		5		23	3S	9E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 192707-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: PMD RANCH LLC
% ANDREW C DANA
115 W KAGY BLVD SUITE P
BOZEMAN, MT 59715 6027

Priority Date: APRIL 15, 1898

Type of Historical Right: FILED

Purpose (use): FISH AND WILDLIFE

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 18,706.25 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

ALSO KNOWN AS NELSON'S SPRING CREEK

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8	NWSWSE	26	3S	9E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

2 - SECONDARY	8		26	3S	9E	PARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Reservoir: ONSTREAM **Reservoir Name:** LITTLE SPRINGS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
8	SWSE	26	3S	9E	PARK

Diversion to Reservoir: DIVERSION # 1

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		8		26	3S	9E	PARK